

THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.9257 of 1997

Dated:31.1.2007

Between

Mothi Ravinder Reddy

.....Petitioner

and

1. Chairman & Managing Director,
Singareni Collieries Co., Ltd.,
Kothagudem and another.

...Respondents

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ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondent in not providing employment to the petitioner under dependant quota as arbitrary and illegal and consequently to direct the respondents to provide employment to the petitioner under the dependant quota.

It appears that the elder brother of the petitioner viz., Mothi Jithendra Reddy, who was working as Gang Mazdoor in Godavarikhani 9-A incline under Mineral Exploration Corporation died on 8.9.1976 due to fatal accident of falling roof. The Management had paid a

sum of Rs.500/- towards funeral expenses and an amount of Rs. 10,000/- towards compensation on 12.1.1977. While that being so, after attaining majority in the month of March 1991, the father of the petitioner submitted an application to the Management to provide employment to the petitioner under dependant quota. But, there was no response. Again, the father of the petitioner made another application in the month of May, 1996, but went in vain. Therefore, the present petition is filed.

According to the petitioner, as per Chapter IX of National Coal Wage agreement under Clauses 9.3.3, the dependant means,

“The dependant for the purpose means the wife/husband as the case may be, unmarried daughter, son and legally adopted son. If no such direct dependant available for employment younger brother,

widowed daughter/widowed daughter-in-law or son-in-law residing with the deceased and almost wholly dependant on the earnings of the deceased may be considered to be the dependants of the deceased.”

Therefore, the petitioner, being the brother of the deceased, entitled for claiming employment on compassionate grounds. The non-consideration of case of the petitioner is arbitrary and illegal.

A detailed counter-affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner. It is asserted that the brother of the petitioner was an employee of M/s. Mineral Exploration Corporation Limited but not in the Singareni Collieries Company Limited. Therefore, the Singareni Collieries has no obligation under law to consider the case of the petitioner.

Heard the learned counsel on either side.

Admittedly, the elder brother of the petitioner expired on 8.9.1976 and after attaining the majority in 1991, his father seems to have submitted an application in 1991 as well as in 1996, which was not responded to by the respondents. In the counter, it is categorically asserted that the brother of the petitioner is not the employee of the Singareni Collieries. He was an employee of M/s. Mineral Exploration Corporation Limited.

Therefore, they have no obligation to consider the case of the petitioner.

Further, the brother of the petitioner died in the year 1976 and after lapse of 15 years, the application was made for considering his case on compassionate grounds. This itself shows that the claim itself is belated one, apart from the fact that Singareni Collieries is not under

obligation to consider the case of the petitioner, since the brother of the petitioner was employed in M/s. Mineral Exploration Corporation Limited and not in the Singareni Collieries Company.

Looking from any angle, the petitioner has not made out any case for granting the relief as sought for. Writ petition is devoid of merits and it is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

31-01-2007

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